



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 2, 1991

Ms. Merri Schneider-Vogel
Attorney for Friendswood I.S.D.
Bracewell & Patterson
2900 South Tower Pennzoil Place
Houston, Texas 77002-2781

OR91-571

Dear Ms. Schneider-Vogel:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 13459.

Officials of Friendswood Independent School District (the district), whom you represent, have received a request for all correspondence between the district and your law firm for fiscal year 1990. You have submitted to us for review billing invoices for fiscal year 1990 and letters and memorandum exchanged between the firm and the district. Although you do not object to release of some of the requested information, you claim that the remainder is excepted from required public disclosure by sections 3(a)(1) and 3(a)(7) of the Open Records Act.

We have considered the exceptions you claim and have reviewed the documents submitted to us. Previous open records decisions issued by this office resolve your request. Section 3(a)(1) excepts from required public disclosure "information deemed confidential by law, either Constitutional, statutory, or by judicial decision." Rule 1.05(b)(1) of the Texas State Bar Disciplinary Rules of Professional Conduct, title 2, subtitle G of the Government Code, proscribe the attorney from disclosing "confidential" information of a client or former client. *See also* Open Records Decision No. 574 (1990). Open Records Decision No. 399 (1983) held that itemized bills for attorneys' fees are excepted under 3(a)(1), because the bills "indicat[ed] the nature of the legal services that were provided."

See also Open Records Decision No. 304 (1982). Accordingly, the detailed invoices as submitted in Exhibits 1 and 2 may be withheld from required public disclosure by section 3(a)(1).

You also claim that the requested information is excepted from required public disclosure by section 3(a)(7), which protects

matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure.

Section 3(a)(7) protects attorney-client communications only to the extent that such communications reveal the attorney's legal opinion or advice. Basically factual communications from attorney to client, or between attorneys representing the client, are not protected. *See* Open Records Decision Nos. 574; 556 (1990); 462 (1987). Much of the information contained in Exhibit 2 includes legal opinion communicated from attorney to client. Parts A, D, G, H, K, L of Exhibit 2, and letters dated August 8, July 26, March 8, 1991, and December 13, 1990, include such information which is not severable from disclosable information and may thus be withheld from required public disclosure under section 3(a)(7). The remaining documents contain factual information and information already part of the public record. This information may not be withheld under section 3(a)(7).

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR91-571.

Yours very truly,

A handwritten signature in cursive script, appearing to read "Sarah Woelk".

Sarah Woelk
Assistant Attorney General
Opinion Committee

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SW/GK/lcd

Enclosure: Returned Documents

Ref.: ID#s 13459, 13460, 13496